

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

OMAR DAVILA MEJIAS

DEBTOR

Case No. 18-02464 (BKT)

Chapter 13

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**MOTION TO DISMISS PETITION
FOR FAILURE TO PERFECT FILING
WITH AFFIDAVIT OF MILITARY SERVICE**

TO THE HONORABLE COURT:

COMES NOW DSO CREDITOR, JESSICA QUINTERO CARABALLO *pro se* and respectfully prays as follows:

1. The chapter 13 voluntary petition was filed on **May 3, 2018**. The §341 Meeting of Creditors is scheduled in less than 8 days counting weekends, for **June 7, 2018**.
2. The petition filed did not include schedules, statements, and other required information so that creditors of this Estate can prepare for the §341 Meeting and become aware of the financial affairs and situation of this Debtor in a timely manner and avoid delays or continuances of the same.
3. As of today, **25 days** have elapsed and Debtor has not complied with Fed. R. Bankr. P. 1007(c), nor has a motion to extend the Rule 1007(c) 14-day deadline been filed by Debtor or on his behalf.

4. Rule 1007(c) of the Bankruptcy Code provides as follows:

"...In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule."

5. There is delay prejudicial to this creditor since she is the holder of a DSO claim and she and her children are being prejudiced by delay by this Debtor.
6. Appearing DSO creditor requests, that Debtor be ordered to notice her with all documentation to be sent to the Chapter 13 Trustee as required by §521 and by this District:

"(e)(1) If the Debtor in a case under chapter 7 or 13 is an individual and if a creditor

files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the Debtor, then the court shall make such petition, such schedules, and such statement available to such creditor."

"(C) If a creditor requests a copy of such tax return or such transcript and if the Debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the Debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the Debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the Debtor."

7. A reduced notice period is requested since the §341 is near and more delay may be added to the already inordinate time Debtor has taken to complete the schedules and statements and avoid delay or continuance of the §341 Meeting of Creditors if the Court allows Debtor to cure the late filing of schedules and statements.
8. Included with this motion is a verified Statement regarding the information required by the Servicemembers Civil Relief Act of 2003, and a Department of Defense Manpower Data Center Military Status Report.

WHEREFORE it is respectfully requested from this Honorable Court to order the dismissal of this case without further notice for non-compliance with Rule 1007(c); order Debtor to notice DSO creditor with all documentation to be submitted to the Chapter 13 Trustee as required under §521 and in this District; and any such other remedy it may deem just and proper.



NOTICE OF RESPONSE TIME

Within three (3) days after service as evidenced by the certification, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the present document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to: Jose Ramon Carrion Morales, Chapter 13 Trustee; Carlos A. Ruiz Rodriguez attorney for Debtor; Jose Sanchez Velez, attorney for Banco Popular de PR& to A.U.S.T. Monsita Lecaroz Arribas, U.S. Trustee. A copy has also been mailed to the Debtor at: Las Haciendas 15057, Calle Cuatro Camino, Canovanas, PR 00729

I ALSO CERTIFY that I have mailed thru the United States Postal Service an exact copy of the

present document to the non-CM/ECF participants as per Creditors Matrix herein attached

In Caguas, Puerto Rico, this 1st day of June, 2018.



/S/JESSICA QUINTERO CARABALLO

PRO SE

110 VIA CAFETAL

HACIENDA SAN JOSE

CAGUAS, P.R. 00727-3034

TEL. (787) 642-5538

Email: jessyqd@yahoo.com

**Status Report**
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-2838
Birth Date: May-XX-1976
Last Name: DAVILA MEJIAS
First Name: OMAR
Middle Name:
Status As Of: Jun-01-2018
Certificate ID: STXTGGL5HMHVH6WM

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

OMAR DAVILA MEJIAS

DEBTOR

Case No. 18-02464 (BKT)

Chapter 13

VERIFIED STATEMENT

TO THE HONORABLE COURT:

I, JESSICA QUINTERO CARABALLO of legal age, single, psychologist, and resident of Caguas, Puerto Rico, declare under penalty of perjury as follows:

1. That as of this date June 1st, 2018, by the 17 years that I was married to Debtor he wasn't a regular service member either on active duty or under a call to active duty, in the National Guard or as a Commissioned Officer of the Public Health Services or the National Oceanic and Atmospheric Administration (NOAA) in active duty.
2. On the other hand I have never received any written notice from Debtor, Omar Davila, that his military status has changed as to this date. From the documents he has filed in the State Court family matters recently he has never stated that he is a military.

IN TESTIMONY WHEREOF I SIGN THIS STATEMENT under penalty of perjury, in Caguas, Puerto Rico this 1st. day of June 2018.



**/S/JESSICA QUINTERO CARABALLO
PRO SE**

110 VIA CAFETAL
HACIENDA SAN JOSE
CAGUAS, P.R. 00727-3034
TEL. (787) 642-5538
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Label Matrix for local noticing
0104-3
Case 18-02464-BKT13
District of Puerto Rico
Old San Juan
Mon May 28 14:11:34 AST 2018

ASOCIACION DE CONDOMINIOS/PREFERRED HOME SERV
PO BOX 4069
BAYAMON, PR 00958-1069

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PO BOX 362708
SAN JUAN, PR 00936-2708

AUXILIO MUTUO
PO BOX 191227
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US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

BANCO POPULAR AUTO
PO BOX 56045
SAN JUAN, PR 00902

BANCO POPULAR DE PR - MORTGAGE SERVICING
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SAN JUAN, PR 00936-2708

BANCO POPULAR DE PR VISA
PO BOX 3228
SAN JUAN, PR 00936

BANCO POPULAR DE PUERTO RICO
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SAN JUAN, PUERTO RICO 00936-2708

CRIM
PO BOX 195387
SAN JUAN, PR 00919-5387

CRYOCELL INTERNATIONAL
700 BROOKER CREEK BLVD.
SUITE #1800
OLDSMAR, FL 34677-2905

(c)JESSICA QUINTERO CARABALLO
110 VIA CAFETAL
CAGUAS PR 00727-3034

LCDA. JULIA GONZALEZ DEL VALLE
315 AVE. MANUEL DOMENECH SUITE 3
SAN JUAN, PR 00918-3513

LCDO. FRANCISCO RADINSON CARABALLO
URBANIZACION CAPARRA TERRACE
1146 AVE. AMERICO MIRANDA
SAN JUAN, PR 00921-2213

SEARS CREDIT CARDS
CITI CREDIT SERVICES ATT. CENTRALIZED BA
PO BOX 20507
KANSAS CITY, MO 64195-0507

TRIBUNAL DE PRIMERA INSTANCIA CAGUAS
PO BOX 491
CAGUAS, PR 00726-0491

US DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20530-0001

CARLOS A RUIZ RODRIGUEZ
PO BOX 1298
CAGUAS, PR 00726-1298

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

OMAR DAVILA MEJIAS
LAS HACIENDAS 15057
CALLE CUATRO CAMINO
CANOVANAS, PR 00729

Addresses marked (c) above for the following entity/entities were corrected
as required by the USPS Locatable Address Conversion System (LACS).

JESSICA QUINTERO CARABALLO
HACIENDA SAN JOSE
VIA CAFETAL 307
CAGUAS, PR 00727

End of Label Matrix
Mailable recipients 20
Bypassed recipients 0
Total 20

Certificate Number: 03605-PR-DE-031135230

Bankruptcy Case Number: 15-09116



03605-PR-DE-031135230

CERTIFICATE OF DEBTOR EDUCATION

I CERTIFY that on June 5, 2018, at 10:29 o'clock AM AST, WANDA MARRERO TORRES completed a course on personal financial management given in person by Consumer Credit Counseling Service of Puerto Rico, Inc., a provider approved pursuant to 11 U.S.C. § 111 to provide an instructional course concerning personal financial management in the District of Puerto Rico.

Date: June 5, 2018 By: /s/FRANCISCO DE JESUS

Name: FRANCISCO DE JESUS

Title: COUNSELOR

Certificate Number: 03605-PR-DE-031135226

Bankruptcy Case Number: 15-09116



03605-PR-DE-031135226

CERTIFICATE OF DEBTOR EDUCATION

I CERTIFY that on June 5, 2018, at 10:26 o'clock AM AST, WILLIAM ALVARADO RIVERA completed a course on personal financial management given in person by Consumer Credit Counseling Service of Puerto Rico, Inc., a provider approved pursuant to 11 U.S.C. § 111 to provide an instructional course concerning personal financial management in the District of Puerto Rico.

Date: June 5, 2018 By: /s/FRANCISCO DE JESUS

Name: FRANCISCO DE JESUS

Title: COUNSELOR